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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Criminal No. CR 08-0238 MHP
)	
Plaintiff,)	
)	
v.)	[PROPOSED] DETENTION ORDER
)	
SHI GUANG GUAN,)	
)	
Defendant.)	
)	

This case came before the Honorable Joseph C. Spero on June 5, 2009 on the government's motion for a detention hearing. The defendant was represented by defense counsel Peter Goodman. The United States was represented by Assistant United States Attorney Owen Martikan. After hearing the parties' proffers and arguments and reviewing their papers, the Court found by a preponderance of the evidence that no condition or combination of conditions could reasonably assure the appearance of the defendant as required. *See United States v. Motamedi*, 767 F.2d 1403 (9th Cir. 1985)(addressing the burden of proof governing a finding of risk of flight). The Court provided the following reasons for this finding:

[PROP] DETENTION ORDER
Case No. CR 08-0238 MHP

- (1) The defendant fled from this District to Seattle, Washington in May, 2008 in order to avoid arrest on the warrant in this case, and has remained a fugitive for the last year;
- (2) The defendant has had two bench warrants issued for failure to appear in state court; and
- (3) Although the defendant has some family ties to this District, those ties are not sufficiently strong to outweigh the risk of flight given his previous fugitive status.

These findings of fact are submitted pursuant to 18 U.S.C. § 3142(i)(1) and 18 U.S.C. § 3142(e).

The Court further directed the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. *See* 18 U.S.C. § 3142(i)(2).

The Court further directed that the defendant be afforded reasonable opportunity for private consultation with counsel. *See* 18 U.S.C. § 3142(i)(3).

The Court further directed that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding. *See* 18 U.S.C. § 3142(i)(4).

IT IS SO ORDERED.

DATED: 6/9/9



HON. JOSEPH C. SPERO
United States Magistrate Judge